

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION**

The opinion in support of the decision being entered today  
(1) was not written for publication in a law journal and  
(2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**Ex parte** KAZUMASA ITO  
and  
HIROJI KATO

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Appeal No. 96-2248  
Application 08/341,455<sup>1</sup>

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HEARD: MAY 5, 1998

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Before CALVERT, PATE and NASE, **Administrative Patent Judges**.  
PATE, **Administrative Patent Judge**.

**DECISION ON APPEAL**

This is a decision on appeal of the rejection of claims

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<sup>1</sup> Application for patent filed November 17, 1994. According to appellants, this application is a continuation of Application 07/683,597, filed April 9, 1991.

1 through 12 and 14 through 16. These are the only claims remaining in the application.

The claimed invention is directed to a small watercraft of the inboard, jet-propelled type. The invention comprises mounting the entire jet propulsion unit relative to the hull by a plurality of resilient supports 80 as to ensure against the transmission of vibrations from the jet propulsion unit to the hull. Claim 1, reproduced below, is further illustrative of the claimed subject matter.

1. A small watercraft having a hull with a tunnel formed in the underside thereof, an engine having an engine output shaft mounted in said hull, a jet propulsion unit comprising an outer housing defining a water inlet passage extending from a water inlet opening surrounded by a flange positioned in juxtaposition at least in part to said hull, an impeller unit containing an impeller and a discharge nozzle, said engine output shaft coupled, via an elastic vibration dampening connection, to an input end of a power transmitting shaft system, for supplying power to said impeller, and a plurality of vibration insulating connector assemblies serving the sole function of mounting said outer housing to said hull within said tunnel including a vibration damper interposed between said outer housing flange and said juxtaposed portion of said hull for precluding any direct contact there between.

The references of record relied upon as evidence of obviousness are:

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Hamilton	3,233,573	Feb. 8, 1966
Jones	3,827,392	Aug. 6, 1974
Atkinson	3,845,923	Nov. 5, 1974
Nakase et al. (Nakase)	4,765,075	Aug. 23, 1988
Webb et al. (Webb)	4,925,408	May 15, 1990
Rennen (German) <sup>2</sup>	853,715	Oct. 27, 1952
Angier (UK)	1,159,396	July 23, 1969

### ***THE REJECTIONS***

Claims 1, 2, and 14 stand rejected under 35 U.S.C. § 103 as unpatentable over Nakase in view of Rennen and Webb.

Claims 3 and 4 stand rejected under 35 U.S.C. § 103 as unpatentable over Nakase in view of Rennen, Webb and further in view of Atkinson.

Claims 5 through 11 stand rejected under 35 U.S.C. § 103 as unpatentable over Nakase in view of Rennen, Webb, Atkinson, and Hamilton.

Claims 12, 15 and 16 stand rejected under 35 U.S.C. § 103 as unpatentable over Nakase in view of Rennen, Webb, Atkinson and Hamilton, and further in view of additional disclosure by Webb.

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<sup>2</sup> Our understanding of the patent to Rennen is by way of an English language translation, a copy of which is attached to our decision.

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Claims 1 through 4 stand rejected under 35 U.S.C. § 103 as unpatentable over Angier in view of Nakase.

Claims 5 through 11 stand rejected under 35 U.S.C. § 103 as unpatentable over Angier in view of Nakase and further in view of Hamilton.

Claims 12 and 14 stand rejected under 35 U.S.C. § 103 as unpatentable over Angier in view Nakase and Hamilton and further in view of Webb.

Claims 15 and 16 stand rejected under 35 U.S.C. § 103 as unpatentable over Angier in view of Nakase, Hamilton and Webb, and further in view of Jones.

Reference is made to pages 3-10 of the examiner's answer for the details of the examiner's factual findings and conclusion of obviousness with respect to the above-outlined rejections.

The appellants' brief includes a statement that the claims do not stand or fall together and includes reasons and discussion pertinent thereto.

***OPINION***

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We have carefully reviewed the rejections on appeal in light of the arguments of the appellants and the examiner. As a result of this review, we have determined that the applied prior art of Angier and Nakase establishes a ***prima facie*** case of obviousness with respect to claims 1 through 4 on appeal. This ***prima facie*** case has not been rebutted by appellants. Therefore, the rejection of these claims is affirmed. As to all other claims on

appeal, namely, claims 5 through 12 and 14 through 16, it is our determination that the applied prior art does not establish a ***prima facie*** case of obviousness with respect to these claims. Therefore, the rejection of these claims will not be affirmed. Our reasons follow.

With respect to claims 1 through 4, for which we have found a ***prima facie*** case of obviousness, unrebutted by the appellants, it is our finding that Angier discloses a watercraft having a hull comprising at least an inlet opening 16 as shown in the plan view of Figure 1. The hull further includes a tunnel member formed by the outer tubular cylindrical and frustoconical members (further wall 20)

attached to hull part 16 and rearwardly extending therefrom as shown in Figure 1. Angier further discloses an outer housing comprised of pump section 3 and steering section 2. The outer housing is resiliently mounted to the hull in the tunnel via gasket 18 and the rubber washers on the mounting plate 19 and adapter plate 22. Also, sealing member 33 serves to resiliently mount the outer housing. We are in agreement with the examiner that the rubber gasket and these rubber washers would inherently absorb some vibration and provide the sole mounting means mounting the outer housing in the hull and tunnel, since there is no metal-to-metal contact.

It is our further finding that Nakase discloses an output shaft coupled to an engine via the agency of an elastic vibration dampening connection 53. In our view, it would have been obvious to one of ordinary skill in the art to use such an elastic vibration dampening connection in the drive shaft of Angier for the disclosed purpose of eliminating drive line vibrations. Therefore, in view of the combined teachings of Angier and Nakase, claims 1 through 4 on appeal would have been obvious to one of ordinary skill.

Turning to a consideration with respect to the other claims on appeal, it is our determination that it would not have been obvious to use the teachings of Hamilton in combination with the disclosure of Nakase and Angier. Hamilton is directed to engine mounts. Were this teaching to be applied to Nakase or Angier, it is the engines of each that would be resiliently mounted, not an outer housing in a tunnel. Accordingly, the rejections of claims 5 through 12 and 14 through 16, which all rely, in part, on Hamilton plus other references, are not sustained.

Turning to the rejections on appeal based on Nakase in view of Rennen and Webb, we note that Rennen is directed to the disclosure of mounting a resilient rubber cover plate in the propeller tunnel of a hull to absorb vibrations from the propeller. It is our view that this teaching combined with the disclosure of Nakase would not have resulted in a device in which the outer housing was resiliently mounted. At best, these combined teachings would have suggested that a rubber sound absorbing plate be placed at some location in the jet-propelled craft and that this sound absorbing plate be mounted resiliently. Since the combined teachings of Nakase, Rennen

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and Webb do not establish a ***prima facie*** case of obviousness with respect to claim 1, the rejections of claims 1 through 12, and 14 through 16 based on Nakase in view of Rennan and Webb as the basic combination of references, cannot be sustained.

***SUMMARY***

A rejection of claims 1 through 4 under 35 U.S.C. § 103 has been affirmed.

The rejections of claims 5 through 12 and 14 through 16 under 35 U.S.C. § 103 have been reversed.

The decision of the examiner is affirmed-in-part.



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No time period for taking any subsequent action in  
connection with this appeal may be extended under 37 CFR  
§ 1.136(a).

***AFFIRMED-IN-PART***

Ian A. Calvert	)	
Administrative Patent Judge	)	
	)	
	)	
William F. Pate, III	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
Jeffrey V. Nase	)	
Administrative Patent Judge	)	

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